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**IN THE
COURT OF APPEALS OF INDIANA**

KAHTEITH MOESLEY,

Appellant-Defendant,

vs.

STATE OF INDIANA,

Appellee-Plaintiff.

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No. 49A02-0601-CR-84

APPEAL FROM THE MARION SUPERIOR COURT

The Honorable Carol Orbison, Judge

Cause No. 49G17-0508-FD-140227

September 29, 2006

MEMORANDUM DECISION - NOT FOR PUBLICATION

CRONE, Judge

Case Summary

Kahteith Moesley¹ appeals his convictions for residential entry and criminal confinement. We affirm.

Issues

Moesley raises two issues, which we restate as follows:

- I. Whether there is sufficient evidence to support his conviction for residential entry; and
- II. Whether there is sufficient evidence to support his conviction for criminal confinement.

Facts and Procedural History²

The facts most favorable to the judgment follow. On the early morning of August 14, 2005, Tracey Treadwell was asleep at her Marion County home. Moesley and Treadwell had known each other for approximately five years, and Treadwell had a child that Moesley believed to be his, although he made no formal paternity declaration. At approximately 4:00 a.m., Moesley knocked on Treadwell's door. Treadwell first attempted to talk to the visitor through an upstairs window. However, she could not open the window, so she went downstairs and asked who was at the door. Moesley identified himself, and Treadwell opened the door "a little bit" and asked him what he wanted. Tr. at 14. Moesley then pushed the door open, entered the house, and started shoving Treadwell upstairs while demanding to

¹ The parties' briefs and the record before us contain several different spellings of appellant's name. For consistency, we use the spelling as it appears on the court-prepared documents.

² Moesley's brief fails to set forth all the facts relevant for our review. We remind Moesley's counsel that "[t]he facts shall be stated in accordance with the standard of review appropriate to the judgment or order being appealed." Ind. Appellate Rule 46(A)(6)(b). For sufficiency of evidence claims, we review the facts most favorable to the judgment. *Grim v. State*, 797 N.E.2d 825, 830 (Ind. Ct. App. 2003).

know who else was in the house. Treadwell turned the light on in her bedroom to show Moesley that no one was there. Moesley demanded to know where Treadwell had been and if she had been with somebody. Treadwell was scared. She ran downstairs and opened the door to leave, but Moesley chased her downstairs, slammed the door shut and said, “You’re not going anywhere.” *Id.* at 17. Moesley did not leave until 8:00 a.m.

The State charged Moesley with class D felony residential entry and class D felony criminal confinement, and the trial court found him guilty as charged on November 17, 2005.³ Moesley appeals.

Discussion and Decision

Standard of Review

In reviewing a claim of insufficient evidence, we neither reweigh the evidence nor judge the credibility of the witnesses. *Grim v. State*, 797 N.E.2d 825, 830 (Ind. Ct. App. 2003). Instead, we look to the evidence most favorable to the judgment and the reasonable inferences therefrom. *Id.* We will affirm if there is probative evidence from which a reasonable trier of fact could have found the defendant guilty beyond a reasonable doubt. *Id.*

I. Residential Entry

To convict Moesley of residential entry, the State had to prove beyond a reasonable doubt that Moesley knowingly or intentionally broke and entered Treadwell’s dwelling. Ind. Code § 35-43-2-1.5. Moesley’s assertion that there was “no evidence” that he was at Treadwell’s house on the morning of August 14, 2005 is blatantly inaccurate. Treadwell

³ Five other charges were eventually dismissed.

testified that he was at her home. This Court has held that the uncorroborated testimony of one witness may be sufficient by itself to sustain a conviction on appeal. *Smith v. State*, 809 N.E.2d 938, 941 (Ind. Ct. App. 2004).

Next, Moesley contends that Treadwell's testimony was questionable, and therefore there is no evidence from which a reasonable trier of fact could infer that Moesley broke into Treadwell's home. His contention is merely an invitation to reweigh the evidence, which we must decline. We conclude that there was sufficient evidence to convict Moesley of residential entry.

II. Criminal Confinement

To convict Moesley of criminal confinement, the State had to prove beyond a reasonable doubt that he knowingly or intentionally confined Treadwell without her consent. Ind. Code § 35-42-3-3. Specifically, Moesley argues that Treadwell's testimony was inconsistent and complains that the State did not try to impeach or cross-examine Moesley. Again, Moesley's argument is an invitation to reweigh the evidence, which we will not do. We conclude that there was sufficient evidence to support Moesley's conviction for criminal confinement.

Affirmed.

BAKER, J., and VAIDIK, J., concur.